

representing different communication device capabilities to a responding communication device;

*Cu*  
a negotiation data receiving section, associated with the plurality of initiating communication devices, that receives carriers that include second digital information

*PL*  
*Co*  
representing different communication device capabilities of said responding communication device, in response to said transmitted carriers, and

a selecting device that selects an appropriate communication device from the plurality of communication devices, in accordance with said responding communication device, to establish a communication channel, wherein said transmitted carriers contain data related to a useable carrier allocation.

Please amend claim 4, as follows:

4 (Twice Amended). An apparatus for establishing a communication link, comprising:

*Cu*  
*PL*  
*Co*  
a negotiation data transmitting section, associated with a plurality of initiating communication devices, that transmits carriers that include first digital information representing different communication device capabilities to a responding communication device;

a negotiation data receiving section, associated with the plurality of initiating communication devices, that receives carriers that include second digital information representing different communication device capabilities of said responding communication device, in response to said transmitted carriers, and

a selecting device that selects an appropriate communication device from the plurality of communication devices, in accordance with said responding communication device, to establish a communication channel, wherein said negotiation data transmitting section transmits said carriers in accordance with neighboring receiving systems.

Please amend claim 9, as follows:

9 (Twice Amended). A method for establishing a communication link, comprising:  
transmitting predetermined carriers that include first digital information representing  
different communication device capabilities to a responding communication device;  
receiving predetermined carriers that include second digital information representing  
different communication device capabilities of the responding communication device, in  
response to the predetermined transmitted carriers, and  
selecting an appropriate communication device from a plurality of communication  
devices, in accordance with the received predetermined carriers, to establish a  
communication channel, wherein the transmitting of predetermined carriers comprises  
transmitting the carriers in accordance with neighboring receiving systems.

## REMARKS

Re-examination and allowance of the above-captioned application is respectfully requested.

Applicant respectfully traverses the Examiner’s 35 U.S.C. §102(e) rejection of the pending claims as being anticipated by U.S. Patent 6,044,107 to GATHERER et al., (hereinafter “GATHERER”).